

BEST AVAILABLE COPY

Application Serial No. 10/733,178

Attorney Docket No. 4272.68-13

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 7, 2007 ("Office Action"). Claims 1-56 are pending in the Application. In the Office Action, claims 1-56 were rejected. In order to expedite prosecution of this Application, Applicants amend claims 1, 11, 16, 29 and 39. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

OATH/DECLARATION OBJECTION

The Examiner objected to the Oath/Declaration as being defective. Applicants respectfully disagree. On February 8, 2006, Applicants filed a Response to the March 18, 2004 Notice to File Missing Parts, attaching a Petition Stating Pertinent Facts for Non-signing Inventor under 37 § C.F.R. 1.47, an Affidavit in Support of Petition Stating Pertinent Facts for Non-signing Inventor under 37 C.F.R. § 1.47 and a Declaration executed by Eric P. Jiang, Jie Wei, Bradley Steele Paye, and Ryan Duane Persichilli, on behalf of themselves and on behalf of the non-signing inventors, Andrew John Caffrey, Karen Christiana Joiner-Congleton and Yong M. Kim.

The Examiner is respectfully requested to acknowledge that all of the requirements of 35 U.S.C. § 111 have been met. For the convenience of the Examiner, Applicants have attached hereto in Appendix A a copy of the above-referenced documents filed in the present Application.

CLAIM OBJECTIONS

Claims 11 and 39 are objected to for an informality. Specifically, the Examiner states that Claims 11 and 39 contain the word "amean". Applicants have amended claims 11 and 39 to correct the informality. Applicants submit that the amendments to claims 11 and 39 are made for grammatical purposes only, are not made in response to any cited reference and, therefore, do not narrow or otherwise change the scope of claims 11 and 39. Therefore, Applicants respectfully request that this objection be withdrawn.

SECTION 112 REJECTIONS

Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleges that the statutory category of claims 1-28 is unclear as the preambles could either refer to a computer-based method or a computer-based system. Applicants respectfully disagree. Nevertheless, in the interest of expediting prosecution, Applicants have amended independent claims 1 and 16 as indicated below.

Independent Claim 1 has been amended to recite “the method comprising” While not conceding the merit of the rejection, Applicants have amended the claim in the interest of expediting prosecution. Applicants respectfully assert that the claim distinctly claims a method. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112 rejection of Claim 1 be withdrawn.

Independent Claim 16 has also been amended to recite “the method comprising” While not conceding the merit of the rejection, Applicants have amended the claim in the interest of expediting prosecution. Applicants respectfully assert that the claim distinctly claims a method. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112 rejection of Claim 16 be withdrawn.

Claims 2-15 and 17-28 recite “The method ...” as originally filed, and thus, Applicants assert it is clear that Claims 2-15 and 17-28 refer to a method. Applicants therefore assert that Claims 1-28 particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112 rejections of Claims 1-28 be withdrawn.

SECTION 101 REJECTIONS

Claims 1-56 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner alleges that the Claims 1-28 result in merely performing abstract mathematical steps, and that Claims 29-56 do not produce a tangible output or result. Applicants respectfully traverse these rejections.

Any new and useful process, machine, manufacture or composition of matter under the sun that is made by man is the proper subject matter of a patent. The subject matter courts

have found to be outside of, or exceptions to, the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena. M.P.E.P. § 2106.IV.A. According to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, a claim that sets forth a practical application to produce a real-world result meets the tangibility requirement. Interim Guidelines, section IV.C.2.b.(2), citing *Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77. Moreover, M.P.E.P. § 2106 clearly sets forth that claims to computer-related inventions can be classified as non-statutory if they fall into the same category as non-statutory claims in other arts, namely natural phenomenon such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." M.P.E.P. § 2106(IV)(B)(1). Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." M.P.E.P. § 2106(IV)(B)(1). In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component." M.P.E.P. § 2106(IV)(B)(1). "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. M.P.E.P. § 2106(IV)(B)(1). A claimed computer program which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized is statutory. M.P.E.P. § 2106(IV)(B)(1)(a).

Independent Claim 1 recites "in a computer-based system, a method of building a statistical model, the method comprising ... automatically identifying and flagging categorical variables in a data set," "eliminating categorical variables that are correlated with at least one continuous variable" and "building the statistical model based on the training data matrix" (emphasis added). Claim 1, therefore, recites a new process that produces a concrete, tangible and useful result (e.g., a statistical model derived from a data set that is free of at least one type of variable). Further, Claim 1 clearly recites "functional descriptive material" as set forth at least by M.P.E.P. § 2106 that embodies a computer program employed in a computer component that imparts functionality. Applicants respectfully assert that Claim 1 recites patentable subject matter and request that the 35 U.S.C. § 101 rejection of Claim 1 be withdrawn.

Independent Claim 16 also recites "in a computer-based system," "eliminating categorical variables that are correlated with at least one continuous variable ... and building the statistical model" Applicants respectfully assert that Claim 16 is patentable for at least the

same reasons as given above for Claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. § 101 rejection of Claim 16 be withdrawn.

Independent Claim 29 recites "A computer-readable medium containing code executable by a computer that when executed performs a process of ... eliminating categorical variables that are correlated with at least one continuous variable ... and building the statistical model" Applicants respectfully assert that Claim 29 is patentable for at least the same reasons as given above for Claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. § 101 rejection of Claim 29 be withdrawn.

Independent Claim 44 also recites "A computer-readable medium containing code executable by a computer that when executed performs a process of automatically building a statistical model" Applicants respectfully assert that Claim 44 is patentable for at least the same reasons as given above for Claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. § 101 rejection of Claim 44 be withdrawn.

Independent Claim 50 also recites "A computer-readable medium containing code executable by a computer that when executed performs a process of automatically building a statistical model" Applicants respectfully assert that Claim 50 is patentable for at least the same reasons as given above for Claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. § 101 rejection of Claim 50 be withdrawn.

Claims 2-15, 17-28, 30-43, 45-49 and 51-56 depend from a respective one of Claims 1, 16, 29, 44 and 50, and thus inherit all the limitations of their respective base claims. Accordingly, Claims 2-15, 17-28, 30-43, 45-49 and 51-56 are asserted to recite statutory subject matter. Therefore, Applicants respectfully request that the 35 U.S.C. § 101 rejections of Claims 2-15, 17-28, 30-43, 45-49 and 51-56 be withdrawn.

SECTION 103 REJECTIONS

Claims 1-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's own admitted prior art ("APA"). Claims 1-3, 6, 12, 13, 16, 17, 21-23, 28-31, 33, 40, 41, 44, 45, 50, 51 and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,470,229 issued to Wang et al. ("*Wang*") in view of U.S. Patent No. 6,473,080 issued to Brown et al. ("*Brown*"). Claims 7, 8, 18, 19, 25, 26, 35, 36, 46, 47, 49, 53

and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wang* in view of *Brown* and further in view of U.S. Patent No. 5,819,258 issued to Vaithyanathan et al. ("*Vaithyanathan*"). Applicants respectfully traverse these rejections.

In order to establish obviousness under 35 U.S.C. § 103(a), three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

A. APA Rejection

In the Office Action, the Examiner appears to allege that Claims 1-56 recite nothing more than an automation of steps disclosed by Applicants in the "Background" portion of Applicants' specification (Office Action, page 4 (referring to paragraph 0009 of Applicants' specification)). Applicants respectfully disagree. In particular, the Examiner appears to be referring to the recitation of, "The present invention addresses the above and other needs by providing a method and system that automatically performs many or all of the steps described above" (paragraph 0009 (emphasis added)). The Examiner appears to assume that because "many or all of the above" may be automatically performed, the invention as defined by Claims 1-56 are limited to only "the steps described above," which is improper and unsupported. For example, independent Claim 1 recites "automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable" The APA does not disclose, teach or suggest at least this limitation of Claim 1. The Examiner cites paragraph 0006 of Applicants' specification (Office Action, page 4). However, the cited section does not contain the teaching alleged in the Office Action. For example, paragraph 0006 of Applicants' specification does not disclose, teach or suggest either identifying categorical variables that are correlated with one or more continuous variables or eliminating categorical variable that are correlated with at least one continuous variable. Therefore, the APA does not disclose, teach or suggest all the limitations of Claim 1, nor is Claim 1 merely an "automation" of steps purportedly disclosed by Applicants in the "Background" portion of Applicants' specification. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Independent Claim 16 recites:

[D]etermining if a variable contains integer observation values; if the variable contains integer values, determining the number of unique integer values contained in the variable; determining if the number of unique values exceeds a predetermined threshold value; and if the number of unique values does not exceed the threshold value, flagging the variable as a categorical variable;

At least for the reasons discussed above in connection with Claim 1, Applicants respectfully submit that the rejection of Claim 16 is improper. For example, The APA does not disclose, teach or teach or suggest at least these limitations of Claim 16. The Examiner cites the rejection of Claim 1 and merely asserts that Claim 16 has "the same limitations" as Claim 1. However, the Office Action does not address the limitations in Claim 16 that are clearly different than the limitations in Claim 1. Therefore, Applicants respectfully assert that the rejection of record is deficient and that no *prima facie* rejection of Claim 16 has been established. Moreover, the APA does not disclose, teach or suggest all the limitations of Claim 16, nor is Claim 16 merely an "automation" of steps purportedly disclosed by Applicants in the "Background" portion of Applicants' specification. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 16 be withdrawn.

Independent Claim 29 recites "automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable" At least for the reasons discussed above for Claim 1, Applicants respectfully submit that the rejection of Claim 29 is improper. For example, the APA does not disclose, teach or suggest at least these recited limitations of Claim 29 nor is Claim 29 merely an "automation" of steps purportedly disclosed by Applicants in the "Background" portion of Applicants' specification. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 29 be withdrawn.

Independent Claim 44 recites "automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable" At least for the reasons discussed above for Claim 1, Applicants respectfully submit that the rejection of Claim 44 is improper. For example, the APA does not disclose, teach or suggest at least these recited limitations of Claim 44, nor is Claim 44 merely an "automation" of steps purportedly disclosed by Applicants in the

"Background" portion of Applicants' specification. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 44 be withdrawn.

Independent Claim 50 recites:

binning at least one continuous variable so as to convert the continuous variable into a psuedo-categorical variable; calculating a Cramer's V value between at least one categorical variable and the psuedo-categorical variable to obtain an estimated measure of co-linearity between the categorical variable and the continuous variable; based on the calculated Cramer's V value, eliminating a corresponding categorical variable that is correlated with at least one continuous variable from a training data matrix used to build a statistical model, wherein the training data matrix comprises a subset of the original data set

At least for the reasons discussed above for Claim 1, Applicants respectfully submit that the rejection of Claim 50 is improper. For example, the APA does not disclose, teach or suggest at least these limitations of Claim 50, nor is Claim 50 merely an "automation" of steps purportedly disclosed by Applicants in the "Background" portion of Applicants' specification. Further, the Examiner cites the rejection of Claim 1 and merely asserts that Claim 50 has "the same limitations" as Claim 1. However, the Office Action does not address the limitations in Claim 50 that are clearly different than the limitations in Claim 1. Therefore, Applicants respectfully assert that the rejection of record is deficient and that no *prima facie* rejection of Claim 50 has been established. Moreover, the APA does not disclose, teach or suggest all the limitations of Claim 50, nor is Claim 50 merely an "automation" of steps purportedly disclosed by Applicants in the "Background" portion of Applicants' specification. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 50 be withdrawn.

Claims 2-15, 17-28, 30-43, 45-49 and 51-56 depend from a respective one of Claims 1, 16, 29, 44 and 50, and thus inherit all the limitations of their respective base claims. Accordingly, Claims 2-15, 17-28, 30-43, 45-49 and 51-56 are asserted to be patentable over the 35 U.S.C. § 103(a) rejections of record for, at least, the reasons set forth above with respect to the independent claims. Moreover, these dependent claims set forth additional new and non-obvious limitations not present in the art of record. Therefore, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of Claims 2-15, 17-28, 30-43, 45-49 and 51-56 be withdrawn.

Applicants further note that the rejections of Claims 3-10 and 12 contain citations to passages in the application that appear under the heading DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS. The Examiner has therefore improperly cited portions from a clearly-identified description of the invention as APA.

B. Wang and Brown Rejection

Independent Claim 1 recites “automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable” The proffered combination of *Wang* and *Brown* does not disclose, teach or suggest at least this limitation of Claim 1. The Examiner cites col. 4, lines 27-35 of *Wang* as purportedly teaching the above-referenced limitation of Claim 1 (Office action, page 9); however, Applicants respectfully submit that the cited portion of *Wang* does not contain the teaching alleged.

The cited portion of *Wang* appears to disclose throwing out only variables that have “too much missing data” or “too many distinct classes” (*Wang*, col. 4, lines 27-29). The cited portion of *Wang* does not disclose or even suggest either identifying categorical variables that are correlated with one or more continuous variables or eliminating categorical variable that are correlated with at least one continuous variable. Therefore, *Wang* does not disclose, teach or suggest at least this limitation of Claim 1. Moreover, the Office Action does not rely on *Brown* as meeting at least the above-referenced limitation of Claim 1, nor does *Brown* appear to remedy at least this deficiency of *Wang*. Therefore, the proffered combination of *Wang* and *Brown* does not disclose, teach or suggest all the limitations of Claim 1. Accordingly, for at least this reason, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

Independent Claim 16 recites:

[D]etermining if a variable contains integer observation values; if the variable contains integer values, determining the number of unique integer values contained in the variable; determining if the number of unique values exceeds a predetermined threshold value; and if the number of unique values does not exceed the threshold value, flagging the variable as a categorical variable;

The proffered combination of *Wang* and *Brown* does not disclose, teach or suggest at least these limitations of Claim 16. The Examiner cites the rejection of Claim 1 and merely asserts

that Claim 16 has “the same limitations” as Claim 1 (Office Action, page 11). Applicants respectfully disagree, and Applicants respectfully submit that the Office Action does not address the limitations in Claim 16 that are clearly different than the limitations of Claim 1. Therefore, Applicants respectfully assert that the rejection of record is deficient and that no *prima facie* rejection of Claim 16 has been established. Moreover, the proffered combination of *Wang* and *Brown* does not disclose, teach or suggest all the limitations of Claim 16. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 16 be withdrawn.

Independent Claim 29 recites “automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable” At least for the reasons discussed above for Claim 1, the proffered combination of *Wang* and *Brown* does not disclose, teach or suggest at least these limitations recited by Claim 29. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 29 be withdrawn.

Independent Claim 44 recites “automatically identifying categorical variables that are correlated with one or more continuous variables and eliminating categorical variable that are correlated with at least one continuous variable” At least for the reasons discussed above for Claim 1, the proffered combination of *Wang* and *Brown* does not disclose, teach or suggest at least these limitations recited by Claim 44. Additionally, the Examiner cites the rejection of Claim 1 and merely asserts that Claim 44 has “the same limitations” as Claim 1 (Office Action, page 11). Applicants respectfully disagree, and Applicants respectfully submit that the Office Action does not address the limitations in Claim 44 that are clearly different than the limitations of Claim 1. Therefore, Applicants respectfully assert that the rejection of record is deficient and that no *prima facie* rejection of Claim 44 has been established. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 44 be withdrawn.

Independent Claim 50 recites:

[B]inning at least one continuous variable so as to convert the continuous variable into a psuedo-categorical variable; calculating a Cramer's V value between at least one categorical variable and the psuedo-categorical variable to obtain an estimated measure of co-linearity between the categorical variable and the continuous variable; based on the calculated Cramer's V value, eliminating a corresponding categorical variable that is correlated with at least one continuous variable from a training data matrix used to build a statistical model, wherein the training data matrix comprises a subset of the original data set.

The proffered combination of *Wang* and *Brown* does not disclose, teach or suggest at least these limitations of Claim 50. In the Office Action, the Examiner cites the rejection of Claim 1 and merely asserts that Claim 50 has "the same limitations" as Claim 1. Applicants respectfully disagree, and Applicants respectfully submit that the Office Action does not address the limitations in Claim 50 that are clearly different than the limitations of Claim 1. Therefore, Applicants respectfully assert that the rejection of record is deficient and that no *prima facie* rejection of Claim 50 has been established. Accordingly, Applicants request the 35 U.S.C. § 103(a) rejection of Claim 50 be withdrawn.

Claims 2, 3, 6, 12, 13, 17, 21-23, 28, 30, 31, 33, 40, 41, 45, 51 and 56 depend from a respective one of Claims 1, 16, 29, 44 and 50, and thus inherit all the limitations of their respective base claims. Accordingly, Claims 2, 3, 6, 12, 13, 17, 21-23, 28, 30, 31, 33, 40, 41, 45, 51 and 56 are asserted to be patentable over the 35 U.S.C. § 103(a) rejections of record for, at least, the reasons set forth above with respect to the independent claims. Moreover, these dependent claims set forth additional new and non-obvious limitations not present in the art of record. Therefore, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of Claims 2, 3, 6, 12, 13, 17, 21-23, 28, 30, 31, 33, 40, 41, 45, 51 and 56 be withdrawn.

C. Wang, Brown and Vaithyanathan Rejection

Claims 7, 8, 18, 19, 25, 26, 35, 36, 46, 47, 49, 53 and 54 depend from a respective one of Claims 1, 16, 29, 44 and 50, and thus inherit all the limitations of their respective base claims. As shown above, Claims 1, 16, 29, 44 and 50 set forth features and limitations not disclosed by the proffered combination of *Wang* and *Brown*. *Vaithyanathan* is not relied upon to supply the missing limitations, nor does *Vaithyanathan* appear to remedy at least the deficiencies of the

Wang and Brown references discussed above. Therefore, for at least the reasons set forth above with respect to the independent claims, Applicants respectfully submit that Claims 7, 8, 18, 19, 25, 26, 35, 36, 46, 47, 49, 53 and 54 are patentable over the cited references. Moreover, these dependent claims set forth additional new and non-obvious limitations not present in the art of record. Therefore, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of Claims 7, 8, 18, 19, 25, 26, 35, 36, 46, 47, 49, 53 and 54 be withdrawn.

OTHER AMENDMENTS

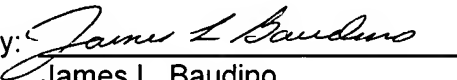
Claims 4 and 32 have been amended to clarify an antecedent basis. Applicants assert that no new matter has been added by these amendments, and that these amendments are not made in response to any cited art. Applicants request that these amendments be entered. Claim 1 is further amended to correct a typographical error.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

A check in the amount of \$510.00 is enclosed to cover the Petition for Extension of Time under 37 C.F.R. 1.136(a) for three (3) months. If, however, Applicants have miscalculated the fee due with the Petition for Extension of Time, the Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this paper to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C., referencing Attorney Docket No. 4272.68-13.

Respectfully submitted,

By: 
James L. Baudino
Reg. No. 43,486

Date: February 6, 2007

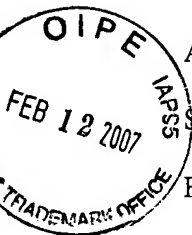
Correspondence to:

Customer No. 23559
3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201-6659

Dallas 1210855_1 4272.68

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Jiang et al.

Serial No.: 10/733,178

Filed: December 10, 2003

For: METHOD AND SYSTEM FOR ANALYZING
DATA AND CREATING PREDICTIVE MATERIALS

) At Unit: 2123
)
)
)
)
)
)
)

Certificate of Mailing under 37 CFR § 1.10

I hereby certify that this document and its attachments are being deposited with the United States Postal Service, First Class Mail, in an envelope addressed to Commissioner for Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450, on 2-8-06.

Cindy C. Dioso: Cindy C. Dioso

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Sir:

In response to the Notice to File Missing Parts of Application dated March 18, 2004 (a copy of which is attached), attached please find a Petition stating Pertinent Facts for Nonsigning Inventor under 37 CFR 1.47, Affidavit in Support of Petition Stating Pertinent Facts for Nonsigning Inventor under 37 C.F.R. 1.47 and a Declaration and Power of Attorney executed by Jie Wei, Eric P. Jiang, Ryan Duane Persichilli, and Bradley Steele Paye, on behalf of themselves and on behalf of the non-signing inventors, Andrew John Caffrey, Karen Christiana Joiner-Congleton and Yong M. Kim.

The Examiner is respectfully requested to acknowledge that all of the requirements of 35 U.S.C. §111 have been met.

In the event that the attached check is found to be insufficient, or if any additional fees are due with respect to this paper, please charge to our Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, referencing Attorney Docket No. 4272.68-13.

Respectfully submitted,


Marc A. Hubbard
Registration No. 32,506

Date: 2-8-06

Correspondence to:
Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 750201-6659
Tel. (214) 855-7571; Fax (214) 978-5323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jiang et al.)	
)	
Serial No.:	10/733,178)	Art Unit: 2123
)	
Filed:	December 10, 2003)	
)	
For:	METHOD AND SYSTEM FOR)	
	ANALYZING DATA AND)	
	CREATING PREDICTIVE MATERIALS)	

PETITION STATING PERTINENT FACTS FOR
NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

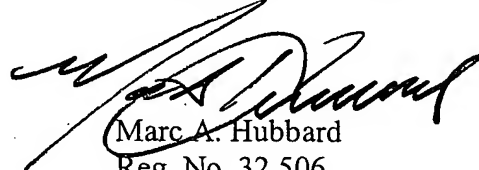
Dear Sir:

The undersigned attorney of record for the above-identified patent application hereby submits this petition stating pertinent facts for non-signing inventor.

1. Applicants received a Notice to File Missing Parts of Application mailed on Marcy 18, 2004, a response is filed herewith.
2. Enclosed herewith is a Declaration and Power of Attorney executed by Jie Wei, Eric P. Jiang, Ryan Duane Persichilli, and Bradley Steele Paye, on behalf of themselves and on behalf of non-signing inventors, Andrew John Caffrey, Karen Christiana Joiner-Congleton and Yong M. Kim.
3. After a diligent attempt to obtain each of the inventors' signatures, as set forth in the attached affidavit by Diane Richardson, the non-signing inventors refuse to execute the Declaration.

For the reasons set forth above and in the attached affidavit, applicants respectfully request that this petition be granted and that the application be allowed to proceed with examination. Enclosed is the fee of \$130 as set forth under 37 C.F.R. 1.17(h). The Director is hereby authorized to charge any deficiency fees or credit any overpayments to Deposit Account 13-4900. **This Petition is submitted in duplicate.**

Respectfully submitted,


Marc A. Hubbard
Reg. No. 32,506

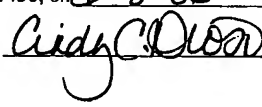
Date: 2.8.06

Correspondence to:

Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 750201-6659
Tel. (214) 855-7571
Fax. (214) 978-5323

Certificate of Mailing under 37 CFR § 1.10

I hereby certify that this document and its attachments are being deposited with the United States Postal Service, First Class Mail, in an envelope addressed to Commissioner for Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450, on 2-8-06.

Cindy C. Dioso: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jiang et al.

) Art Unit: 2123
)

Serial No.: 10/733,178
)
)

Filed: December 10, 2003
)
)

For: METHOD AND SYSTEM FOR
ANALYZING DATA AND
CREATING PREDICTIVE MATERIALS)

Certificate of Mailing under 37 CFR § 1.10

I hereby certify that this document and its attachments are being deposited with the United States Postal Service, First Class Mail, in an envelope addressed to Commissioner for Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450, on 12-8-06

Cindy C. Dioso: *Cindy C. Dioso*

**AFFIDAVIT IN SUPPORT OF PETITION STATING PERTINENT
FACTS FOR NONSIGNING INVENTOR UNDER 37 C.F.R. 1.47**

Mail Stop: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

This affidavit is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the non-signing inventors for the above-referenced patent application.

1. I, Diane Richardson, a citizen of the United States of America, am the Assistant Vice President of Stone Investments, Inc., the assignee of the application.
2. The last known address for each non-signing inventor is as follows (hereinafter the "Inventors"):

Andrew John Caffrey
3737 Promontory Street
San Diego, California 92109

Karen Christiana Joiner-Congleton
9415 Ovieda Street
San Diego, California 92129

Yong M. Kim
13565 Freeport Road
San Diego, California 92129

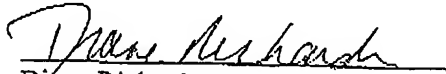
3. At the time the invention was made and filed, the inventors were employed by Stone Analytics, Inc. No signed declarations were executed and/or filed with the application.
4. On February 26, 2004, the subject patent application was assigned to Stone Investments, Inc. (hereinafter "Applicant")
5. On March 18, 2004, Applicant received a "Notice to File Missing Parts" indicating that the oath or declaration was missing. Subsequent to receiving the Notice, Applicant attempted to contact the Inventors.
6. On August 24, 2004, in response to receiving a Notice of Missing Parts from the United States Patent and Trademark Office, I mailed a copy of the declaration to each of the Inventors for signature and requested return of the signed declaration no later than September 15, 2004. Copies of the letters and the certified return receipt indicating receipt of such letters are attached hereto as Exhibit A. No response was received from Caffrey or Kim.
7. On September 14, 2004, Applicant received an e-mail from Congleton stating "[j]ust noticed that the patent stuff has a recommended return date of 9/15—oops! Looks like if it's the 14th now that I'm not going to get mine in on time. However, just means that I wasn't pay [sic] attention. Sorry." A copy of the September 14, 2005 e-mail is attached hereto as Exhibit B.
8. On October 4, 2005, I sent a reminder via e-mail to Congleton to return the signed documents to my attention. A copy of the September 14, 2005 e-mail is attached hereto as Exhibit C.
9. On October 21, 2004, I left a voice messages for each of the non-signing Inventors instructing each inventor to sign and return the declarations that were previously sent on August 24, 2004. No response was received from any of the Inventors.
10. On December 2, 2004, I sent a follow-up letter to the Inventors requesting each to sign and return the declaration for filing. In that letter I specifically stated that "[i]f we do not receive . . . these documents from you by January 1, 2005, we will assume that you are refusing to sign the documents" A copy of the December 2, 2004 letter along with the certified return receipts indicating receipt of such letters are attached hereto as Exhibit D. No response was received from any of the Inventors.
11. On January 18, 2005, Applicant sent another e-mail attempting to remind Congleton of the necessary signatures. A copy of the e-mail is attached hereto as Exhibit E. No response was received.

Docket No.: 4272,68-13

12. On January 20, 2005, I e-mailed a copy of the declaration to Congleton for her signature. Congleton responded on January 26, 2005 that she would be traveling and stated "[w]hen I get back I can deal with the e-versions." No response was ever received. A copy of the January 20, 2005 and January 26, 2005 e-mails are attached hereto as Exhibit F.
13. On May 12, 2005, I received an e-mail from Congleton requesting a hardcopy of the declaration. Accordingly, on May 13, 2005 I re-sent via certified mail a copy of the December 2, 2004 letter requesting signatures. The envelope letter was subsequently returned on June 3, 2005 as unclaimed. A copy of the May 12, 2005 e-mail and envelope postmarked May 13, 2005 are attached hereto as Exhibit G.
14. I hereby declare that after a diligent effort to obtain the all of the Inventors' signatures, the Inventors refuse to execute the declaration.
15. I hereby declare that I have first hand knowledge of the above pertinent facts.


I hereby declare that all statements made herein are of my own knowledge and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of February, 2006.

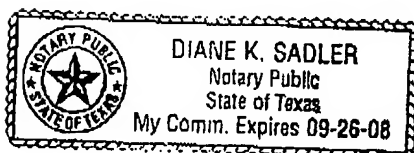

Diane Richardson

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned Notary Public, personally appeared Diane Richardson known to me to be the person of the above name whose name is subscribed to the forgoing instrument, and acknowledged that he executed it for the purposes and consideration expressed therein.


Notary Public

(SEAL)



DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name. I believe I am the original, first and sole inventor or, if more than one inventor, am the original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention, entitled "METHOD AND SYSTEM FOR ANALYZING DATA AND CREATING PREDICTIVE MODELS," the specification of which were filed on December 10, 2002 in U.S. Provisional Application No. 60/432,631 being the Parent Application to U.S. Patent Application filed on December 10, 2003 under Application No. 10/733,178.

I acknowledge the inventors are:

ERIC P. JIANG of San Diego, California, 11933 Cypress Valley Drive, San Diego, CA 92131, Citizenship: United States of America;

JIE WEI of San Diego, California, 8540 Costa Mesa Blvd., #4331, San Diego, CA 92122, Citizenship: China;

ANDREW JOHN CAFFREY of San Diego, California, 3737 Promontory Street, San Diego, CA 92109, Citizenship: United States of America;

KAREN CHRISTIANA JOINER-CONGLETON of San Diego, California, 9415 Oviedo Street, San Diego, CA 92129, Citizenship: United States of America;

YONG M. KIM of San Diego, California, 13565 Freeport Road, San Diego, CA 92129, Citizenship: United States of America;

BRADLEY STEELE PAYE of San Diego, California, 3393 Lebon Drive, #303, San Diego, CA 92122, Citizenship: United States of America.

RYAN DUANE PERSICILLI of Chula Vista, California, 1321 Perlas Court, Chula Vista, California 91910, Citizenship: United States of America.

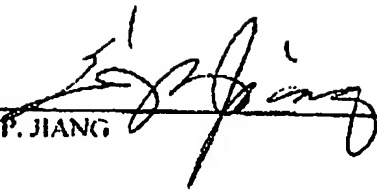
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Docket No.: 4272.68-13

DECLARATION



ERIC P. JIANG

9/1/04
DATE

DECLARATION



JIE WEI

10/23/2004

DATE

DECLARATION

ANDREW JOHN CAFFREY

DATE

DECLARATION

KAREN CHRISTIANA JOINER-CONGLETON

DATE

DECLARATION

YONG M. KIM

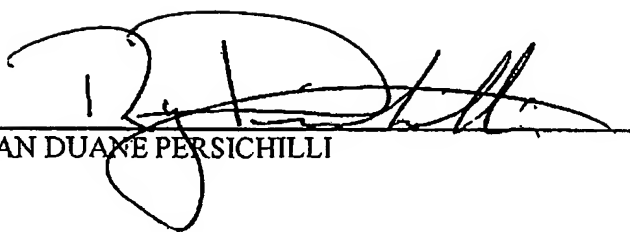
DATE

DECLARATION

Bradley S. Payne
BRADLEY STEELE PAYE

Jan 9, 2005
DATE

DECLARATION



RYAN DUANE PERSICHILLI

9-10-04

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/733,178	12/10/2003	Eric P. Jiang	498552000200

CONFIRMATION NO. 8293

25225
 MORRISON & FOERSTER LLP
 3811 VALLEY CENTRE DRIVE
 SUITE 500
 SAN DIEGO, CA 92130-2332

FORMALITIES LETTER



OC000000012124829

Date Mailed: 03/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

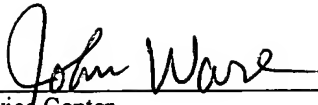
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

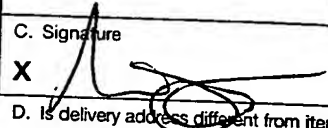
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____	
1. Article Addressed to: Andrew Caffrey 3737 Promontory Street San Diego, CA 92109		C. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Copy from service label) 7001 0360 0003 6379 2250		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PS Form 3811, July 1999		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
102595-00-M-0952			

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)			
OFFICIAL USE SAN DIEGO, CA 92109			
Postage	\$	3.85	UNIT ID: 0205 
Certified Fee		2.30	
Return Receipt Fee (Endorsement Required)		1.70	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	7.85	
Sent To <u>Caffrey</u>			
Street, Apt. No.; or PO Box No. _____			
City, State, ZIP+4 _____			
PS Form 3800, January 2001		See Reverse for Instructions	



Via Certified Mail – 7001-0360-0003-6379-2250

August 24, 2004

Mr. Andrew Caffrey
3737 Promontory Street
San Diego, CA 92109

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for “Method and System for Analyzing Data and Creating Predictive Models”

Dear Mr. Caffrey:

I am writing to you to on behalf of Stone Investments. Stone Investments recently acquired all the rights of Stone Analytics in the above-referenced patent application.

We believe that you are a co-inventor of the invention claimed in the application, and that you are, as a former employee of Stone Analytics, obligated to assign your interests in the invention. As the successor to Stone Analytics' interest in the application, we are requesting your cooperation and assistance in completing the patent application by signing next to your name and returning to us each of the following two documents:

- (1) a Declaration; and
- (2) an Agreement and Assignment.

Please execute the Agreement and Assignment before a notary public. The wording of the Declaration is prescribed by law and is required by the U.S. Patent and Trademark Office from all named inventors of a patent application. The Agreement and Assignment will be filed with the US Patent and Trademark Office to evidence the formal transfer of your interest in the patent application.

I am also enclosing for your reference a confidential copy of the non-provisional US patent application. If you believe that you are not, in fact, an inventor of the concepts claimed in the patent application, or if you believe that any of the other named inventors are not in fact co-inventors of any of the concepts claimed in the patent application, please contact me as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at ggoltz@stoneholdings.com . If we do not receive both of these documents from you by September 15, 2004, we will assume that you are refusing to sign the documents.

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

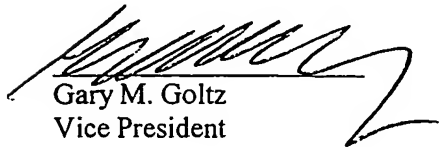
DALLAS, TEXAS 75206

(214) 365-1900

Mr. Andrew Caffrey
Page 2

I will be following up in the very near future. If you have any questions before then, please feel free to contact me at 214.365.1905.

Sincerely,



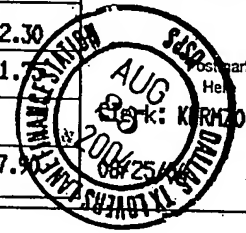
Gary M. Goltz
Vice President

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 0360 0003 6379 2243

Postage	\$ 3.85	UNIT ID: 0205
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.70	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 7.85	



Sent To CTC

Street, Apt. No.,
or PO Box No.

City, State, ZIP+ 4

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christy Joiner-Congleton
9415 Oviedo Street
San Diego, CA 92129

2. Article Number (Copy from service label)
7001 0360 0003 6379 2243

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

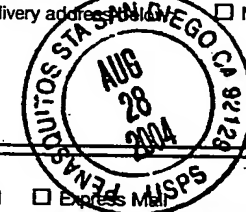
A. Received by (Please Print Clearly) Baron Congleton B. Date of Delivery

C. Signature [Signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



Domestic Return Receipt 102595-00-M-0952



Via Certified Mail – 7001-0360-0003-6379-2243

August 24, 2004

Ms. Christy Joiner-Congleton
9415 Oviedo Street
San Diego, CA 92129

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for “Method and System for Analyzing Data and Creating Predictive Models”

Dear Christy:

I am writing to you to on behalf of Stone Investments. Stone Investments recently acquired all the rights of Stone Analytics in the above-referenced patent application.

We believe that you are a co-inventor of the invention claimed in the application, and that you are, as a former employee of Stone Analytics, obligated to assign your interests in the invention. As the successor to Stone Analytics’ interest in the application, we are requesting your cooperation and assistance in completing the patent application by signing next to your name and returning to us each of the following two documents:

- (1) a Declaration; and
- (2) an Agreement and Assignment.

Please execute the Agreement and Assignment before a notary public. The wording of the Declaration is prescribed by law and is required by the U.S. Patent and Trademark Office from all named inventors of a patent application. The Agreement and Assignment will be filed with the US Patent and Trademark Office to evidence the formal transfer of your interest in the patent application.

I am also enclosing for your reference a confidential copy of the non-provisional US patent application. If you believe that you are not, in fact, an inventor of the concepts claimed in the patent application, or if you believe that any of the other named inventors are not in fact co-inventors of any of the concepts claimed in the patent application, please contact me as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at ggoltz@stoneholdings.com . If we do not receive both of these documents from you by September 15, 2004, we will assume that you are refusing to sign the documents.

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

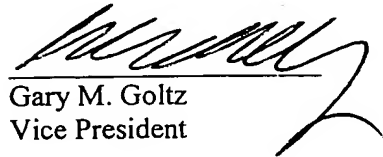
DALLAS, TEXAS 75206

(214) 365-1900

Ms. Christy Joiner-Congleton
Page 2

I will be following up in the very near future. If you have any questions before then, please feel free to contact me at 214.365.1905.

Sincerely,


Gary M. Goltz
Vice President

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>A. Received by (Please Print Clearly)</p> <p>C. Signature <i>[Signature]</i></p> </div> <div style="width: 35%;"> <p>B. Date of Delivery <i>9/22/99</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> </div> </div> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Yong Kim 13565 Freeport Road San Diego, CA 92129</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label) 7001 0360 0003 6379 2274</p>	
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>	

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0003 6379 2274

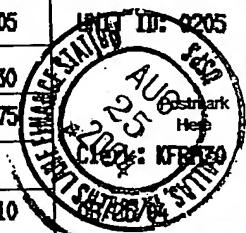
OFFICIAL USE

Postage	\$ 5.05
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 9.10

Sent To *Yong Kim*

Street, Apt. No.,
or PO Box No.

City, State, ZIP+ 4



PS Form 3800, January 2001

See Reverse for Instructions



Via Certified Mail – 7001-0360-0003-6379-2274

August 24, 2004

Mr. Yong Kim
13565 Freeport Road
San Diego, CA 92129

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for “Method and System for Analyzing Data and Creating Predictive Models”

Dear Mr. Kim:

I am writing to you to on behalf of Stone Investments. Stone Investments recently acquired all the rights of Stone Analytics in the above-referenced patent application.

We believe that you are a co-inventor of the invention. Under the Consulting Agreement between Stone Analytics and yourself, you agreed that all Creations (as that term is defined in the Consulting Agreement) are the sole property of Stone Analytics and that you have assigned your interest in the invention to Stone Analytics and agreed to assist Stone Analytics in filing patent applications on the invention.

As the successor to Stone Analytics’ interest in the application, we are requesting your cooperation and assistance in completing it by executing next to your name and returning to us each of the following two documents:

- (1) a Declaration; and
- (2) an Agreement and Assignment.

Please execute the Agreement and Assignment before a notary public. The wording of the Declaration is prescribed by law and is required by the U.S. Patent and Trademark Office from all named inventors of a patent application. The Agreement and Assignment confirms the assignment of your interest in the patent application. It will be filed with the US Patent and Trademark Office to evidence the formal transfer of your interest in the patent application.

I am also enclosing for your reference a confidential copy of the non-provisional US patent application. If you believe that you are not, in fact, an inventor of the concepts claimed in the patent application, or if you believe that any of the other named inventors are not in fact co-inventors of any of the concepts claimed in the patent application, please contact me as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at ggoltz@stoneholdings.com . If we do not receive both of these documents from you by September 15, 2004, we will assume that you are refusing to sign the documents.

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

DALLAS, TEXAS 75206

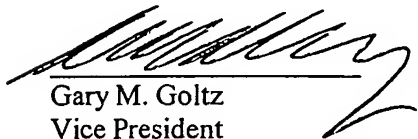
(214) 365-1900

5411 AS 970016_1 1072.00

Mr. Yong Kim
Page 2

I will be following up in the very near future. If you have any questions before then, please feel free to contact me at 214.365.1905.

Sincerely,



Gary M. Goltz
Vice President

-----Original Message-----

From: Christy Joiner-Congleton [mailto:cjc@stics.com]
Sent: Tuesday, September 14, 2004 4:07 PM
To: Goltz, Gary
Subject: patent stuff

Hi, Gary,

Just noticed that the patent stuff has a recommended return date of 9/15--oops!
Looks like if it's the 14th now that I'm not going to get mine in on time.
However, just means that I wasn't pay attention. Sorry.

Christy

Phone: 858-874-0311 X203
Fax: 858-874-0312
Home: 858-538-5512
HomeFax:858-484-7253
Cell: 619-743-3665

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Richardson, Diane

From: Richardson, Diane
Sent: Tuesday, October 04, 2005 10:43 AM
To: 'cjc@stics.com'
Subject: Stone Patent Agreements
Attachments: CJC Assignment.DOC; Declaration.DOC

Hi Christie –

This is to remind you that we still need these patent agreements signed. Gail said that you were willing to help us once the source code issue got resolved, which I gather has been accomplished.

Please return the signed documents to me at:

Stone Holdings
8150 N. Central Expressway
Suite 1901
Dallas, Texas 75206

Thank you – we appreciate your help!

*Diane Richardson
Assistant Vice President
Stone Holdings, Inc.
214-365-1988 phone
214-365-6910 fax*

10/4/2005

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0003 6374 2335

SAN DIEGO, CA 92129

Postage	\$ 0.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

UNIT ID: 0205
 DEC - 2004
 Postmark Here
 Clerk: KFRH
 12/02/04

Sent To CTC

Street, Apt. No.,
 or PO Box No.

City, State, ZIP+ 4

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christy Joiner=Congleton
9415 Oviedo Street
San Diego, CA 92129

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) Karen C Joiner-Congleton B. Date of Delivery 12-11-04
- C. Signature [Signature] ☐ Agent ☒ Addressee
- D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number (Copy from service label) **70010360000363792335**

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



Via Certified Mail – 7001-0360-0003-6379-2335

December 2, 2004

Ms. Christy Joiner-Congleton
9415 Oviedo Street
San Diego, CA 92129

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for “Method and System for Analyzing Data and Creating Predictive Models”

Dear Christy:

This letter is a follow-up to the letter we sent to you dated August 24, 2004 as well as the voice mail message I left for you in October. In the August 24, 2004 letter, we requested that you, as a co-inventor of the above-referenced patent on behalf of Stone Analytics, Inc., assign your interests in the invention to Stone. I have enclosed additional copies of the two agreements. We respectfully request that you sign these two documents as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at drichardson@stoneinvestments.com.

If we do not receive both of these documents from you by January 1, 2005, we will assume that you are refusing to sign the documents and we will file the appropriate documents with the US Patent and Trademark Office.

Sincerely,

Diane Richardson
Assistant Corporate Secretary

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

DALLAS, TEXAS 75206

(214) 365-9708 1 4272.68

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andrew Caffrey
3737 Promontory Street
San Diego, CA 92109

2. Article Number (Copy from service label)

70010360000363792311

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Binney Caffrey

B. Date of Delivery

12.15.04

C. Signature

x *Binney P. Caffrey*

☐ Agent
☒ Addressee

D. Is delivery address different from item 1?

☐ Yes
☒ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

SAN DIEGO, CA 92109

Postage \$ 0.83

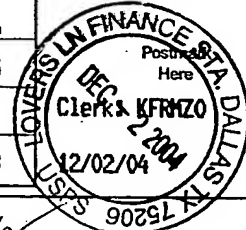
UNIT ID: 0205

Certified Fee 2.30

Return Receipt Fee (Endorsement Required) 1.75

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 4.88



Sent To

Caffrey

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001

See Reverse for Instructions

7001 0360 0003 6379 2311



S T O N E I N V E S T M E N T S , I N C .

Via Certified Mail – 7001-0360-0003-6379-2311

December 2, 2004

Mr. Andrew Caffrey
3737 Promontory Street
San Diego, CA 92109

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for "Method and System for Analyzing Data and Creating Predictive Models"

Dear Mr. Caffrey:

This letter is a follow-up to the letter we sent to you dated August 24, 2004 as well as the voice mail message I left for you in October. In the August 24, 2004 letter, we requested that you, as a co-inventor of the above-referenced patent on behalf of Stone Analytics, Inc., assign your interests in the invention to Stone. I have enclosed additional copies of the two agreements. We respectfully request that you sign these two documents as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at drichardson@stoneinvestments.com.

If we do not receive both of these documents from you by January 1, 2005, we will assume that you are refusing to sign the documents and we will file the appropriate documents with the US Patent and Trademark Office.

Sincerely,

Diane Richardson
Assistant Corporate Secretary

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

DALLAS, TEXAS 75206

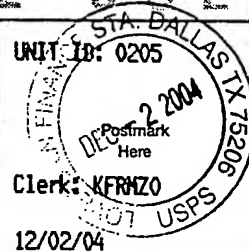
(214) 365-6910 DALLAS 970818_1 4272.68

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0003 6379 2304

OFFICIAL USE
 SAN DIEGO, CA 92129

Postage	\$ 0.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88



Sent To *K Kim*

Street, Apt. No.,
or PO Box No.

City, State, ZIP+ 4

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Yong Kim
13565 Freeport Drive
San Diego, CA 92129

2. Article Number (Copy from service label)

70010360000363792304

PS Form 3811, July 1999

Domestic Return Receipt

10255-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

S. M. H.

B. Date of Delivery

12/6/04

C. Signature

☒ X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



STONE INVESTMENTS, INC.

Via Certified Mail – 7001-0360-0003-6379-2304

December 2, 2004

Mr. Yong Kim
13565 Freeport Road
San Diego, CA 92129

Re: U.S. patent application no. 10/733,178 of Stone Analytics, Inc.
for "Method and System for Analyzing Data and Creating Predictive Models"

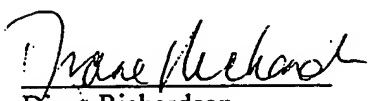
Dear Mr. Kim:

This letter is a follow-up to the letter we sent to you dated August 24, 2004 as well as the voice mail message I left for you in October. In the August 24, 2004 letter, we requested that you, as a co-inventor of the above-referenced patent on behalf of Stone Analytics, Inc., assign your interests in the invention to Stone. I have enclosed additional copies of the two agreements. We respectfully request that you sign these two documents as soon as possible.

Enclosed is a self-addressed, stamped return envelop for your convenience. Please also feel free to fax (214.365.6910) or email a scanned copy of the documents to me at drichardson@stoneinvestments.com.

If we do not receive both of these documents from you by January 1, 2005, we will assume that you are refusing to sign the documents and we will file the appropriate documents with the US Patent and Trademark Office.

Sincerely,


Diane Richardson
Assistant Corporate Secretary

8150 N. CENTRAL EXPRESSWAY

SUITE 1901

DALLAS, TEXAS 75206

(214) 365-6910 970818_1 4272.68

Richardson, Diane

From: Lehmann, Gail
Sent: Tuesday, January 18, 2005 3:45 PM
To: Richardson, Diane
Subject: FW: Diane Richardson

This is what I sent her; let's see.....

-----Original Message-----

From: Lehmann, Gail
Sent: Tuesday, January 18, 2005 3:44 PM
To: 'cjc@stics.com'
Subject: Diane Richardson

CJC - Diane says she has tried to repeatedly contact you regarding the patent assignment? She is working on cleaning this up - the assignment should have been done simultaneously with the filing by SAI attorneys back when they filed in December 2003 but apparently that didn't get done. Have you not gotten any communication? Can I facilitate this in someway? Or do you have an issue?

Let me hear.

G

Richardson, Diane

From: Christy Joiner-Congleton [cjc@stics.com]
Sent: Wednesday, January 26, 2005 8:17 PM
To: Richardson, Diane
Subject: RE: Stone Analytics Documents

Hi Diane,

Thanks for e versions. Wish you, Terri, and I could go out and raise a glass! Could use one.

I am drowning in models to build and client issues to navigate and software issues that need fixing. There's no time to think. We have a next delivery at the end of the week that will bleed into next and a permit to file that trump everything including sleep right now. I travel to the client next week. When I get back I can deal with the e versions.

You know, you're the legal memory/doc guru, maybe you have something I should have. I don't have copies of whatever the docs were that I was made to sign last year. I think I had a hard copy of some of them at some point, but those were apparently shredded or vanished in the great melt down. There were two sets presented with the edict "sign or I'll get Harry to make you sign", but there was barely time to read them and no opportunity to get legal review before signing.

How's life? Pass on my hello to Terri and the other Diane, okay. Much to tell and much to hear too, I'm sure. I'll holler to you when I am next through Dallas and maybe we can do that drink, maybe grab Jay and the other Diane, too.

Tx,
Christy

-----Original Message-----

From: Richardson, Diane [mailto:drichardson@stoneinvestments.com]
Sent: Thursday, January 20, 2005 12:00 PM
To: CJC@STICS.COM
Subject: Stone Analytics Documents

Hi Christy! I hope all is well. Here are the two agreements we need back. Please let me know if any problems.

Thanks, Diane

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

an addition
-ressee's name
ement the
ark...
Richardson, Diane

From: Christy Joiner-Congleton [cjc@stics.com]
Sent: Thursday, May 12, 2005 6:25 PM
To: Richardson, Diane
Subject: docs

Hi Diane,

You're going to think I'm an idiot, but, can you send me the stuff in hardcopy that you wanted me to sign? I hate to say that I am completely messed up electronically.

I think the last thing that happened was that you sent me a version electronically and I was going to get it over to my guy to read and then sign. Well, it never got out of my in-basket.....

Let's try again,
Tx,
Christy

Phone: 858-874-0311 X203
Fax: 858-874-0312
Home: 858-538-5512
HomeFax: 858-484-7253
Cell: 619-743-3665

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☒ **SKewed/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.